

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

10 MAY -6 PM 1:39

CLERK-ALBUQUERQUE

LONNIE W. KING, JR.,

Plaintiff.

v.

No. CIV 09-00141 MCA/ACT

SOUTHWESTERN INDIAN
POLYTECHNIC INSTITUTE,

Defendant.

FIRST AMENDED COMPLAINT

1. Plaintiff is a resident of the County of Bernalillo, State of New Mexico.
2. Defendant Southwestern Indian Polytechnic Institute ("SIPI") is an agency of the United States government with an office in the County of Bernalillo, State of New Mexico.
3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331.
4. Plaintiff was an employee of SIPI.
5. Plaintiff was ordered to pay and the United States Government stipulated to restitution to SIPI arising from a misappropriation of funds in the amount of \$27,546.36.
6. Defendant withheld wages owed to Plaintiff in the amount of \$46,166.33 in March of 2007.
7. On October 27, 2008, the Honorable Christina Armijo, United States District Judge entered an Order in the matter of United States of America v. Lonnie King, Jr., Cr. 07-1604 MA, finding:

"The Court has determined that the restitution amount of \$27,546.36, owed by defendant to the Southwest Indian Polytechnic Institute (SIPI), has been paid in full, as a result of SIPI's withholding of wages due to Mr. King from his employment with SIPI and those wages withheld exceeded the \$27, 546.36 restitution owed by Mr. King to SIPI."

8. Defendant owes Plaintiff the amount of \$18,619.97.

WHEREFORE, Plaintiff prays the Court grant judgment to Plaintiff in the amount of \$18,619.97, plus interest, fees and costs and any other relief which this Court deems appropriate.

Respectfully submitted,



Lonnie W. King, Jr.
Plaintiff, pro se
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